IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1616 of 2005

Dr.Sanjay Godbole and Anr ... Petitioners

V/s

State of Maharashtra and Anr..Respondents

Mr.D.V.Sutar i/b V.M.Thorat Advocate for Petitioner

Mr.D.P.Adsule for State

CORAM:SMT.V.K.TAHILRMANI,J.

DATED:3rd August 2005

P.C.:-

1. Heard the learned advocate for the Petitioner, and the learned A.P.P. for the State.

2. The Petitioners has prayed for quashing of complaint and proceedings relating thereto in Criminal Case NO.114/03 which is pending in the Court of learned J.M.F.C. Kalyan, District Thane. In the said case,

process has been issued against the Petitioners under Sections 269,270,336 and 440 of I.P.C. The learned Advocate for the Petitioners has submitted that the learned Magistrate erred in issuing process against the Petitioners. He has further submitted that if the order issuing process is quashed the proceedings in respect of these two cases would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No. 213 of 2005 and order dated 21st June 2005 passed in Criminal application NO.550 of 2005, the Petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the Petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the Petitioners to prefer revision before the concerned Sessions Court. The learned Advocate for the Petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the Petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on

merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Petition is disposed of.

(SMT.V.K.TAHAILRAMANI,J.)